



COMMISSION ON

ASIAN PACIFIC

AMERICAN AFFAIRS

CAPAA

Improving the lives of Asian Pacific Americans

February-April 2002

Volume 2, Issue 4

## MESSAGE FROM THE DIRECTOR

### Dear Friends,

Our nation is in crisis. Our leaders face uncertain times with little judicial framework to strike a balance between preserving our civil rights and ensuring our national security during times of war. History shows that we often sacrifice one for the other. Although Congress has not declared war, and, constitutionally, it is the only entity that can, we are in the midst of a national security threat for which we have a military response: War on Terrorism.

We are also in the midst of another threat, a threat to our constitutional integrity: the weakening of our civil rights in the spirit of homeland security and patriotism.

Unfortunately, our history is replete of examples when our leaders enacted laws that irrevocably and unnecessarily hurt the lives of many of our brothers and sisters. History will also probably show that such actions are unjust, and that in our shame we will try to forget that we passed by yet another opportunity to be more than our past.

Our nation is great not because we raise our military arms during times of war. Our nation is great because we raise our hearts, our minds and our collective spirit to define our humanity no matter what storm passes our way. What we need is a judicial tradition that preserves our civil rights, not the reliance of arms alone during national security crises.

I end my tenure with the CAPAA with hope that we will rise above the fray and expect of our leaders a level of sensibility uncommon during our current crisis, yet reflective of timeless wisdom. Please ask the kinds of questions that are worthy of who we are as freedom, justice and fairness loving people.

It has been a pleasure and an honor to serve the people of Washington State.

Sincerely,

Miebeth R. Bustillo

## Washington State Government Structure

By Orly Palacpac, NAPCA Intern

**Washington State** has three branches of government – Executive, Legislative, and Judicial. These three branches work independently from each other as well as maintain a healthy check-and-balance relationship among them.

**Executive** – includes the Governor and other elected State officials. These individuals implement the laws passed by the Legislature. The Governor has the power to appoint members of the Judicial branch. Further, bills passed by the Legislature are sent to the Governor to be signed or vetoed.

**Legislative** – composed of the Senate and the House of Representatives and enacts bills into laws. The Senate has 49 elected members corresponding to the number of legislative districts in the State. The House has 98 elected members, two for each district.

The Legislature can override the Governor's veto with a two-thirds vote. Also, if the Governor fails to act on the bill within a certain period of time, the bill lapses into law.

**Judicial** – composed of the State courts: Trial court (Municipal, District and Superior), Court of Appeals, and Supreme Court. State courts make rulings on the constitutionality and legality surrounding the implementation of a law, as passed by the Legislature and signed by the Governor.

Sources: Washington State Legislature, <http://www.leg.wa.gov>; Access Washington, <http://www.access.wa.gov>

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## Dear Friends,

As a computer specialist in the Seattle School District, I see many students come in and out of my classroom to use the computer and learn about the world. I sometimes wonder if what's happening in the real world is in sync with what we are teaching our students in our classrooms. I wonder if our new high-academic-standards curriculum will prepare our students for the brave new world whose reality is interconnected.

Sometimes, in the spirit of diversity, we set aside a day, a week, or a month to celebrate our diversity. Yet, I believe that our American experiences need to be integrated into the curriculum all year.

I understand the value of bringing awareness to our many cultures by setting aside time to reflect and deliberate

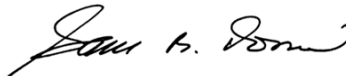
over the contributions of our many communities. After years of academic neglect and marginalization, it's about time we dedicate time to understand our many cultures. It can bring greater appreciation of our many strengths as well as help us understand our unique and ongoing challenges. I also believe that there is value in integrating these experiences into our

intellectual discussions as part of the American experience. Perhaps then we will build a unified community of Americans and become agents towards a world culture.

I also challenge you to listen to your assumptions and recognize your own resistance to new voices. There are many new Americans who are technically skilled and yet have a difficult time moving up professionally because of their accent. Yet they are no less skilled or able to get the job done than the next professional. In fact, many pursued more training and jump through a lot more hoops than the next just to get to where they are now. Unfortunately, many find professional barriers because people around them are unfamiliar with and resist the way they sound.

Please be aware that learning a new language as an adult can be very challenging and for many who learn it they do so with purposefulness. The will to succeed in one's work is universally shared. Such will can yield a dedicated professional willing to go the distance and brave this new world.

Sincerely,



Sam Tonn



## APA Service Agency Snapshot

### Refugee Federation Service Center (RFSC)

By David Saylee, Intern

The mission of the Refugee Federation is to assist refugees and immigrants in their transition to life in the U.S. and help them become self-sufficient, productive members of society while maintaining their cultural and ethnic identity. The RFSC is a non-profit agency, serving the King County area since 1982 and offers employment services, social services, and volunteer opportunities. Services are available in a several languages: Amharic, Chinese, French, Khmer, Lao, Mien, Oromo, Pangasinan, Somali, Russian, Tagalog, Thai, Tigrigna, Polish, Ukrainian, and Vietnamese.

#### Employment Services

- ✧ Employment Counseling
- ✧ Workshops
- ✧ Skills Training
- ✧ Job Placement
- ✧ Post-Placement Services

#### Social Services

- ✧ Immigration Assistance
- ✧ Bilingual Counseling
- ✧ Housing Assistance
- ✧ Referral and Advocacy Services

#### Volunteer Opportunities

- ✧ ESL Tutors - teach English to refugees in classroom.
- ✧ Office Support - answer phones and provide limited office support.
- ✧ Job Training Projects - support a variety of training programs.



Students in Electronics Assembly Work-Training class.

#### Main Office

7101 Martin Luther King Jr. Way S.  
Suite 214  
Seattle, WA 98118  
Phone: (206) 725-9181  
<http://www.rfsc.org>

#### Kent Office

Phone: (253) 852-5150

#### White Center Office

Phone: (206) 762-4894

# The United States Bill of Rights

By Joann Natalia Aquino, Legislative Liaison

## Historical Background

In 1787, delegates from the original 13 states assembled in Philadelphia and drafted a remarkable blueprint of the United States Constitution. The original draft arranged a system of checks and balances that included an effective executive branch, a representative legislature, and a federal judiciary.

Though the Constitution was significant, it did not include specific declaration of individual rights. In response, James Madison, one of the chief framers of the Constitution, prepared 12 amendments that overtly provided for individual rights. Ten of these amendments were ratified in 1791 and became known as the Bill of Rights.

The Bill of Rights is often called “natural” rights, and, to James Madison, were the “great rights of mankind.” It was created to protect the rights the original citizens believed that as human beings were naturally theirs. Thomas Jefferson, who inspired the framing of these rights, also reasoned, “the Bill of Rights is what the people are entitled to against every government on earth, general, or particular, and what no just government should refuse, or rest on inference.”

The Bill of Rights restricts the invasion of certain individual liberties, including freedom of speech, press, assembly, and religion. The values embodied in the Bill of Rights focus on individual worth and dignity, and yields to the inalienable rights that are inherent to us all as human beings and as citizens of a constitutional democracy.

## The Bill of Rights

**Amendment I:** Freedom of religion, speech, and assemble. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**Amendment II:** The right to bear arms. A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

**Amendment III:** No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

**Amendment IV:** The right to privacy; freedom from searches and seizures. The right of the people to be secure in their persons, houses, papers, and effects, against

unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Amendment V:** The right to due process; freedom from double jeopardy. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Amendment VI:** The right to a speedy and fair trial. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

**Amendment VII:** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

**Amendment VIII:** Freedom from cruel and unusual punishment. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Amendment IX:** Powers retained by the people. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment X:** Power to the states. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Source: U.S. Constitution; National Constitution Center. “The Bill of Rights,” 1999; American Civil Liberties Union. “The Bill of Rights: A Brief History,” 1997.



# Vietnamese Americans

By Ryan Minato, Research Analyst

*Ravaged by the Vietnam War and genocidal conditions, many Vietnamese sought refuge in the U.S. First relocated in military camps, they eventually created enclaves to support their cultural and economic communities. Today, they define and celebrate their identity as Vietnamese Americans.*

## Exodus From War Torn Vietnam

Prior to the Vietnam War, only a handful of Vietnamese lived in the U.S. In 1973, the U.S. military ended its involvement in the Vietnam War. In 1975, South Vietnam surrendered to northern forces, and an exodus of Vietnamese to the U.S. began with Saigon's educated class and military personnel, two-thirds of which spoke English well. These refugees left as family units, unlike the young single men that emigrated as contract labor from Asia in the past century.

In 1976, North and South Vietnam were reunited as the new Socialist Republic of Vietnam. The new Communist government reconstructed the Vietnamese society. It nationalized businesses and instituted reeducation camps for those associated with the old regime.

The end of the war did not end the violence, however. Refugees continued their escape from Vietnam's genocidal conditions by the hundreds-of-thousands. From the small coastal cities, refugees left in small fishing boats, marking an era of "boat people" entering the U.S. This second-wave was economically diverse, including educated professionals as well as fisherman, farmers, and storekeepers. Unlike the earlier refugees from Saigon, most did not speak English.

To address the refugee crisis in the U.S., Congress passed the Indochina Migration and Refugee Assistance Act of 1975, which included resettlement and self-sufficiency initiatives. For the first time, U.S. policy defined who could be admitted as a refugee and created a framework for assistance programs. The Refugee Act of 1980 broadened the program to cover all persons, regardless of national origin, who enter the U.S. to escape persecution.

In addition, approximately 100,000 children of American soldiers and their Vietnamese mothers were admitted under the Amerasian Homecoming Act of 1987. By the early 1990s, older war veterans and political prisoners were released from reeducation camps and were allowed, along with their families, to come to the U.S.

## Community Enclaves

Initially, refugees came to four U.S. military bases in California, Arkansas, Pennsylvania, and Florida. Others waited in refugee camps in Thailand, Malaysia, Indonesia, the Philippines, and Hong Kong until arrangements could be made for their arrival in the U.S. Several national volunteer agencies resettled refugees in communities throughout the

country and arranged sponsorships from interested Americans to provide housing and initial support.

Large concentrated Vietnamese American communities exist today. Orange County, California boasts the largest with over 200,000 people. Orange County is also home to the first "Little Saigon" created in 1988. "Little Saigon" constitutes an economic and cultural enclave providing employment, social services, health care, and other basic needs in a Vietnamese language setting.

In Washington, Vietnamese Americans are the fourth-largest Asian ethnic group and, according to Census 2000, number 46,149. Their communities are concentrated in King County with 81%, followed by Pierce County with 13%. One indicator of growth in the Vietnamese community is the number of Vietnamese small-businesses, most of which can be seen in the Seattle area. Sixty-four percent of these businesses are in the service industry.

A limitation of community enclaves is apparent when we consider that Vietnamese Americans remain an untapped resource, largely locked in service employment. Another community challenge is that a large majority of Vietnamese women have little or no English-language skills and considers this as their largest barrier to economic self-sufficiency.

## Heritage and New Identity

A 1977 survey of household heads showed that 41% planned to return to Vietnam to live. Few made the journey, but strong attachments to the political and cultural ideas of their home country remained. These attachments held the Vietnamese American community together over the decades.

Today, many of the youngest immigrants and American born Vietnamese find it difficult to identify with the political and cultural ideas of those who lived in Vietnam. For example, strong anti-Communist feelings exist within the community, especially with those who served during the Vietnam War. Parts of the community even protest economic and political ties with Communist Vietnam. It is also common for the former South Vietnamese flag to be flown at events. These tensions can divide the generations.

At the same time, there are many cultural ideas that are greatly shared by all generations. For instance, ancestor worship is one of many traditions practiced in the U.S. It is common for families to create traditional altars of their ancestors in their homes. Offerings of food and incense are presented on anniversaries and special occasion such as the *Tet*, the Vietnamese Lunar New Year, one of the community's largest events. *Tet* traditionally symbolizes new beginnings. Also, Vietnamese women of all ages still wear traditional long dresses or *Ao Dai*, the national dress of Vietnam.

Sources: Census 2000; Rutledge, Paul. "The Vietnamese Experience in America," 1992; Takaki, Ronald. "Strangers from a Different Shore," 1989.

# Preserving Our Civil Rights During National Crises

By Miebeth R. Bustillo, Executive Director

*Our U.S. history is replete with our willingness to suspend our precious civil rights during times when our national security is in question. Our history also shows that we lack a thoughtful deliberation by the people and its leaders on how to preserve these rights during such times.*

## Frangible Rights

Historically, the U.S. falls victim to responses born out of hysteria, patriotic fervor, and lack of judicial tradition to uphold our civil liberties in the face of periodic, perceived and sometimes unimaginable assaults to our national security. As a result, some of us become willing to temporarily sacrifice our civil rights as part of the war effort and perhaps as some expression of our patriotism.

At risk, however, is the integrity of the very rights and quality of life we fight to defend. In our fear and silence, we become coconspirators in suspending our American principles of freedom, justice and fairness. In doing so, we weaken such rights as our right to free speech, to a free press, to practice or not a religion, to peaceably assemble, to petition our government for or against policies that govern our lives, our right against unreasonable search and seizures, and our right to due process.

## Ability to Question

In 1987, U.S. Supreme Court Justice William Brennan said, "When I think of the progress we have made over the last thirty years, I look upon our system of civil liberties with some satisfaction, and a certain pride. There is considerably less to be proud about, and a good deal to be embarrassed about, when one reflects on the shabby treatment civil liberties have received in the U.S. during times of war and perceived threats to its national security."

He added, "The inexperience of decision makers in dealing with wartime security claims makes them reluctant to question the factual bases underlying asserted security threats. Finally, even decision makers who are suspicious of asserted security claims lack the expertise and familiarity necessary to discern confidently the true security risk from the overstated one."

"...The trouble in the U.S., however, has been not so much the refusal to recognize principles of civil liberties during times of war and national crisis but rather the reluctance and inability to question, during the period of panic, asserted wartime dangers with which the nation and the judiciary are unfamiliar."

## History Lessons

Our history is replete with deplorable examples of when our government authorized the abrogation or the severe limitation of our civil rights during times of crisis. For example, in 1798, Congress enacted the Alien and Sedition Acts, which gave the President the authority to expel any alien he deemed

dangerous and to arrest all persons of warring foreign nations as alien enemies. The Sedition Act made it unlawful to "write, print, utter or publish...any false, scandalous and malicious writing...against" the U.S. Government, Congress, or the President with the intent "to bring them...into contempt or disrepute."

No one was formally prosecuted under the Alien Act. However, it forced many aliens, including many editors of the critical press to leave the country or go in hiding.

During the Civil War of 1861-1865, our own revered President Lincoln suspended the writ of habeas corpus, a request for court intervention, usually filed to allege that the government is holding a person without Constitutional authority. This suspension caused nearly 30,000 people to be arrested and detained in military custody without charges, simply because they were suspected of being disloyal, dangerous, or disaffected. These individuals were detained as long as the military saw fit, some received no trials at all, others faced military trial, which lacked the procedural basics guaranteed by a civilian criminal court.

Although the abrogation of civil rights received strong public support, one lone judicial beacon questioned the validity of the President and the military's actions. Chief Justice Taney held that the President's suspension of the Great Writ was unconstitutional. Nevertheless, the President and the military ignored Taney's decision and continued to exercise military arrests and trials throughout the war.

Again, during the Cold War, our government supported the prosecution of communists through a series of committee investigations and passed laws such as the Internal Security Act of 1950 and the Communist Control Act of 1954, both designed to flush out those with communist beliefs. As a result, many lives were irrevocably harmed.

History shows that this witch hunt was fueled by war hysteria and unfounded fear and was made possible by a lack of judicial framework to protect our civil liberties during real or perceived national security threats.

## Quirin and Korematsu

Since the September 11 attacks, more than a thousand Middle Eastern men have been rounded up, arrested, and detained with little published information as to who they are and whether and with what they are charged. The U.S. government plans to interview thousands more. Most of these men face the possibility of being shipped out to unknown lands or out to sea, tried in secret, and potentially executed. Their fates are uncertain and so is the integrity of our precious civil rights.

President George W. Bush and U.S. Attorney General John Ashcroft strongly advocate the use of secret military tribunals to try suspected terrorists. As basis to do so, they cite *Ex Parte Quirin*, a Supreme Court case involving WWII military tribunals, which involved an order by President Franklin Roosevelt authorizing trials by military

tribunal after the capture of eight Nazi saboteurs. What the Bush Administration is not citing, however, is another case in that era. The case is *Korematsu v. U.S.*, the decision upholding the internment of Japanese Americans during WWII because they were considered a military threat. This decision applied only to people of Japanese descent even though the U.S. was also at war with Germany, Italy, and other European nations.

*Korematsu* is now in the judicial annals as a failure to defend civil liberties and the principles of equal protection. We now know that allegations that Japanese Americans were threats to our national security are completely unfounded. What is little discussed, however, is that the Japanese citizens in the West coast were rounded up and interned for an extended period of time by the military not because they posed a security threat, but because there were those in the interior states who did not want persons of Japanese descent in their communities.

In 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians, which later concluded that the internment was a "grave injustice" that was not "justified by military necessity," but rather was prompted by "race prejudice, war hysteria and a failure of political leadership."

## Patriotic Act?

Unfortunately, our history shows that the constitutional foundation of our civil liberties are subject and hostage to the times. They are especially vulnerable when we purport to fight to defend them. The Congressional passage of the Patriot Act or Anti-Terrorism Bill, which grants federal authorities expanded surveillance and intelligence-gathering powers, in October 2001 shows that we are again willing to suspend our beloved freedoms in hope that doing so would give us a sense of security. Caught in patriotic fervor, few legislators truly understood the impact of what they voted for on our civil rights.

## Freedom, Justice & Fairness Always

Undoubtedly, our democratic senses will return, albeit at the cost of our constitutional integrity, democratic maturity, and our humanity. However, we don't have to miss another opportunity to learn from our past. According to Judge Brennan, "By the slow accumulation of precedents, these lessons are gradually building a jurisprudence that, during crises, can account for, rather than discard, the liberties that give our nation its identity."

Indeed, we have an opportunity for thoughtful deliberation and the creation of judicial bulwarks with which we affirm our principles of freedom, justice and fairness no matter what storm passes our way.

Sources: The U.S. Constitution; Brennan, Jr., William J. "The Quest to Develop a Jurisprudence of Civil Liberties in Times of Security Crises," 1987; Allen, Jessie. "Exposing Ashcroft's Ethnic Dragnet: U.S. Treatment of Middle Eastern Residents Mirrors the Fate of Those with Japanese Heritage," 2001; <http://www.cnn.com/2001/US/10/26/rec.bush.antiterror.bill/index.html>

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During National Crises



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## CAPAA Calendar and Historical Events

### Current

Feb. 28 – Center for Career Alternatives dinner with silent auction, Sheraton Seattle Hotel & Towers, 1400 - 6th Ave., 5 PM. Contact: (206) 322-9084.

Mar. 5 – Australian Film Festival with Rena Owen, presented by the Asian & Pacific Islander Woman & Family Safety Center (APIWFSC), China Harbor, 2040 Westlake N., Seattle, 6 PM. Contact: (206) 467-9976.

Mar. 7 – Candlelight Vigil in memory of women and children lost to domestic violence, sponsored by the Asian & Pacific Islander Women & Family Safety Center, King County Courthouse, 3rd and James St., Seattle, 4:45 PM. Contact: (206) 467-9976.

Mar. 9 – The Japanese American Experience: A Lesson In American History, workshop for K-12 educators on civil rights issues related to Japanese American internment,

Puget Sound ESD 121, corner of 4th Ave. SW and SW 152nd Street, Burien, 8 AM - 4 PM. Contact: (206) 522-5438.

Mar. 23 – Mabuhay Foundation 50th Anniversary Dinner-Dance with Pioneer Recognition Awards, Yakima Convention Center, 10 North 8th Street, 6 PM. Contact: (509) 877-3087.

Apr. 14 – The American Samoa Flag Day has been an important holiday celebration since the first raising of the U.S. flag in Tutuila, on April 17th, 1900.

Apr. 19-21 – 27th Annual Seattle Cherry Blossom Festival & Japanese Cultural Festival, Seattle Center, all day, free. Contact: (206) 684-7200.

### Historic

Feb. 5, 1917 – Asiatic Barred Zone prohibits immigration of South and Southeast Asians.

Feb. 19, 1942 – War Department authorizes first Filipino American infantry battalion.

Feb 19 1942 – Franklin Delano Roosevelt signs Executive Order 9066 calling for internment of Japanese Americans.

Feb. 20, 1943 – 1,200 Filipinos serving in U.S. armed forces granted citizenship.

Mar. 1, 1920 – In the wake of U.S. exclusionists, Japan ceases to issue passports to picture brides.

Mar. 17, 1980 – Refugee Act increases the yearly quota of refugees allowed to enter the U.S.

Mar. 30, 1927 – Japanese American artist Isamu Noguchi arrives in Paris to begin his studies after being awarded the John Simon Guggenheim Fellowship earlier that year.

Apr. 17 1900 – U.S. formally announced annexation of American Samoa as a territory.

**Volunteer and Make a Difference**  
Looking for volunteer or internship opportunities? Please call, (206) 464-5820. You *will* make a difference.



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